

1-1 By: Minjarez, Canales, Sherman, Sr. H.B. No. 135
 1-2 (Senate Sponsor - Miles)
 1-3 (In the Senate - Received from the House April 12, 2021;
 1-4 April 13, 2021, read first time and referred to Committee on Health
 1-5 & Human Services; May 13, 2021, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 8, Nays 1;
 1-7 May 13, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 135 By: Perry

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to notifying an alleged perpetrator of child abuse or
 1-23 neglect of certain rights in an investigation by the Department of
 1-24 Family and Protective Services; creating a criminal offense.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter D, Chapter 261, Family Code, is
 1-27 amended by adding Section 261.3027 to read as follows:

1-28 Sec. 261.3027. NOTICE OF RIGHT TO RECORD INTERVIEW. (a)
 1-29 Before conducting an interview with an alleged perpetrator, the
 1-30 department shall inform the person orally and in writing that:

1-31 (1) the person may create an audio or video recording
 1-32 of the interview but may not record the interview in any other
 1-33 manner; and

1-34 (2) any audio or video recording made by the person may
 1-35 be subject to subpoena under a court order.

1-36 (b) The department shall document in the case file that the
 1-37 department provided the notice required by Subsection (a).

1-38 (c) The department shall provide two copies of the written
 1-39 notice to be signed by the person. The department shall provide one
 1-40 signed notice to the person and retain the other signed notice in
 1-41 the case file.

1-42 (d) An audio or video recording of the department's
 1-43 interview with an alleged perpetrator may not be posted on an
 1-44 Internet website. A person who violates this subsection commits an
 1-45 offense. An offense under this subsection is a Class C misdemeanor.

1-46 SECTION 2. Subchapter D, Chapter 261, Family Code, is
 1-47 amended by adding Section 261.3091 to read as follows:

1-48 Sec. 261.3091. NOTICE OF RIGHT TO REQUEST ADMINISTRATIVE
 1-49 REVIEW. (a) Before conducting an interview with an alleged
 1-50 perpetrator, the department shall notify the person in writing that
 1-51 the person may request an administrative review of the department's
 1-52 findings under Section 261.309. The person shall sign the written
 1-53 notice to acknowledge receipt of the notice.

1-54 (b) The department shall document in the case file that the
 1-55 department provided the notice required by Subsection (a).

1-56 SECTION 3. This Act takes effect September 1, 2021.

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